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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,806	04/09/2002	Anders Moberg	611-55	9565
23117	7590	03/26/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			ALVO, MARC S	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,806

Applicant(s)

MOBERG ET AL

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-22-2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over ADMITTED PRIOR ART (specification, page 1, lines 10-13).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by PROUGH.

The pulp of PROUGH does not differ from the pulp of claim 12.

The ADMITTED PRIOR ART teaches making paper board from mechanical pulp. The products of claims 12 and 13 do not differ from the products of the ADMITTED PRIOR ART as probative weight can not be given to the steps of producing the product in a product claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over PROUGH et al (4,731,160).

PROUGH teaches producing mechanical pulp from <sup>ligno</sup>ligno-cellulose containing wood chips (10), wherein the chips are fractionated in two refining stages (11, 12) to produce a mechanical pulp and the mechanical pulp is separated using cyclones (15) and (16) to produce a fine fraction which is led away from the major pulp fraction (18), e.g. separated from the major

fiber pulp fraction (18) by cyclone (15). Obviously the separation from the pulp fiber is a separation from the pulp production since the pulp is produced in the refiner and separated by the cyclones. See steam recycle (17) for subjecting the pulp to a temperature enhancement. See the Abstract of PROUGH for separating 10-12% of the fines. See PROUGH column 3, lines 40-46 for passing the separated fines to paper production. See PROUGH (30) for peroxide bleaching the pulp fiber after refining and separation. The pulp of PROUGH is obviously TMP pulp as it is not subjected to chemical treatment. The pulp of claim 12 would not differ from the claimed pulp.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over PROUGH as applied to claim 1 above, and further in view of ADMITTED PRIOR ART.

The ADMITTED PRIOR ART teaches that mechanical pulp is used to make paper board. It would have been obvious to the routineer that the mechanical pulp of PROUGH could be used to make paper board as such is a conventional use of mechanical pulp.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over PROUGH as applied to claim 1 above, with or without HOGLUND et al.

The freeness of pulp would be directly related to the amount of refining. The instant process and PROUGH refine to a fine concentration of 10%. Obviously the same amount of refining would produce the same percentage of fines. It would be further obvious that the freeness of HOGLUND et al would be the same as the instant process as the amount of reefing is the same as represented by the amount of fines in the pulp. If this is not obvious then PROUGH teaches after the first refiner, in a two stage reefing system, the freeness is 518 ml (high


freeness). It would have been obvious that after the first refiner of PROUGH that the freeness would be high as taught by HOGLUND et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over PROUGH as applied to claim 1 above, and further in view of DUBELSTEN et al.

If necessary, both DUBELSTEN et al and PROUGH teach bleaching mechanical pulp with peroxide. DUBELSTEN et al teaches that the mechanical pulp can be CMP, CTMP or TMP pulp. It would have been obvious to use CMP, CTMP or TMP as the peroxide bleached mechanical pulp of PROUGH as DUBELSTEN et al teaches such pulp can be peroxide bleached.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 5:45 AM - 2:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). application or proceeding is assigned is 703-872-9306.



Steve Alvo  
Primary Examiner  
Art Unit 1731